

MINUTES – FEBRUARY 9, 2010

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 5:30 p.m. on Monday, February 9, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

Vice-Chairman Travis presided over the meeting.

MOMENT OF SILENT PRAYER

Vice-Chairman Travis opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Battle moved, seconded by Commissioner Hall to approve the agenda as presented. The motion carried unanimously with Chairman Ward and Commissioner Jefferies absent.

APPROVAL OF CONSENT AGENDA

Commissioner Battle moved, seconded by Commissioner Hall to approve the Consent Agenda as presented. The motion carried unanimously with Chairman Ward and Commissioner Jefferies absent.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of October 7, 2009 Special Meeting, October 19, 2009 Regular Meeting, November 2, 2009 Special Meeting, and November 2, 2009 Regular Meeting
- 2) Financial Report – July 1, 2009 – December 31, 2009

PUBLIC COMMENTS

Vice-Chairman Travis opened the floor for public comments.

Mr. Ron Willis, of 3473 Wrenn Road, Prospect Hill, NC, came before the Board and stated that he asked an EMS County employee who was on County time and driving a County vehicle why he was present at a fire meeting. Mr. Willis added that he was told by this employee that it was none of his concern and he felt that, as a taxpayer, that it is his concern and he has a right to voice his opinion. Mr. Willis stated that everyone knows that the County is in a tight situation as far as money and it is hard for him to see his tax dollars being wasted and taxes going up. Vice-

Chairman Travis requested that Mr. Willis contact the County Manager and he would be able to address his concern.

Mr. Melvin Butler, of Cherry Grove, and Chairman of the Planning Board, came before the Board and reported that he recently attended a meeting in High Point. Mr. Butler provided the Board with a *Logistics in the Piedmont Triad* brochure and informed the Board that at the meeting in High Point a presentation was made by the North Carolina Piedmont Triad Partnership in which they discussed opportunities available to the counties in the State. Mr. Butler stated that since the County is a member of the Piedmont Triad Partnership, he would like to see the County try to receive some of the benefits from the prospective ventures and would like to recommend that a meeting be scheduled with the Board of Commissioners, Planning Board, and Economic Development Board and invite the Piedmont Triad Partnership to come and present a program on potential opportunities for the State and Caswell County.

PRESENTATION OF CASWELL COUNTY BROADBAND STUDY

Mr. Karl Edwards, Ms. Sherry McCuller, and Mr. Mark Horenko with Excelsio Communications, came before the Board to present the following Caswell County Broadband Study. There was considerable discussion and questions by the Board concerning the Study.

Feasibility Study Overview

- Focus Group Meetings
- Broadband Mapping
- Wireless site survey and design
- High level fiber design
- Business case development

Broadband Mapping – Results I

- Variety of survey methods
 - Online Survey
 - School Survey
 - Newspaper Survey
- School survey most effective
- Complete responses from 1,259 households = 14.5% of 8,670 total households in County
- 58 census blocks with households qualified as “underserved” under Broadband Stimulus Program definition. (Definition changed by RUS in Round 2 to be less restrictive at 5 Mbps symmetrical minimum).

“Middle Mile” Network Business Case: *Option 1*

- Connects all County anchor institutions and economic development parks together on high-capacity, redundant, all fiber-optic MM ring.
- Connects to World at Raleigh/Durham, Washington, DC through interconnections at Ruffin, Danville. Connects VIR.

- 67 potential Middle Mile customers
- Network CAPEX = \$5,595,600 to \$6,290,000. Required 20% match = \$1,119,120 to \$1,258,000
- Network Revenue = \$673,000
Network OPEX = \$975,640

“Middle Mile” Network Business Case: *Option 2*

- Partnership with CenturyLink. (AT&T expressed no interest).
- County or designee is applicant for Round 2 Broadband Stimulus from NTIA BTOP program. BTOP funds focused on MM Network + Anchor Institutions.
- CenturyLink leases newly constructed fiber from County under capital lease for its own purposes (retail & business subscribers). County leases existing CL fiber, if usable in MM network, under capital lease funded by NTIA BTOP funding. County owns MM network ring which serves anchor institutions for public benefit.
- CenturyLink manages and maintains County MM ring, offering high-capacity “Managed Services” to anchors at lower than wholesale pricing to recover CL’s ongoing operating costs.
- Funds from CL capital lease of new fiber used as match or portion of match required for NTIA BTOP grant funding.
- Required 20% match = \$1,119,120 to \$1,258,000.

Million Dollar Question:

Will CenturyLink (CL) commit to transaction in a manner that works for the County?

- CL expressed interest, preliminary discussions of anchor sites and needs of County
- Caswell County more difficult for CL to monetize capital lease investment; AT&T serves portion of area.
- Excelsio ranks probability as 30%.

Middle Mile Network: Breaking News

MCNC, nonprofit entity operating NC Research & Education Network for educational/health care institutions, won BTOP Round 1 grant of \$28mm for MM network infrastructure in portions of western NC and southeastern NC.

MCNC has strong support of State leadership to apply for BTOP Round 2 funding for MM fiber optic network in north central region and 3 other rural regions.

Frank Hawkins Kenan Institute for Private Enterprise partnering with MCNC to conduct outreach, support rapid proposal development (deadline is 3/15).

Caswell County would be included in north central region. MM network would traverse county and connect 3-4 anchor institutions. Interconnection would be offered on open, affordable basis to LM providers.

Requirements for counties to participate still being finalized; objective is completion of information package and requirements by end of this week.

All counties asked to provide funding for planning/engineering (minimum of \$5k) and access to County controlled ROWs, land easements, poles. Community College, School LEA, Public Safety Facility, Main library asked to participate after expiration of existing contracts, at lower than current service costs. Additional, intracounty infrastructure would require 30% match of cost.

Successful Round 2 BTOP award to MCNC would provide open access to LM service providers at affordable rates.

- Strengthens business case for LM service provision.

“Last Mile” Business Case: *Option 3*

- Middle Mile Challenge
 - Critical need for County, but not enough scale for financial sustainability
 - Too few anchor institution customers.
- Last Mile Challenge:
 - Affordable
 - Higher capacity and higher quality
 - Needed by Residential and Business subscribers, especially in underserved areas.
- Solution:
 - Last Mile FTTH Network incorporating MM fiber-optic ring.
 - Serves anchor institutions, economic development, households and business.
 - Residential & business subscriber revenues contribute to financial sustainability.

Why Fiber-Optic?

- Fiber is ONLY communications media with capacity to handle multiple video streams (television, movies, DVR) concurrently with voice and Internet traffic.
 - Copper and coaxial cable being replaced with fiber. Wireless is a “single-use” convenience technology (mobile communications).
- Other Network Technologies – wireless, copper, coaxial cable - will become “White Elephants” – causing loss of investment capital
- Fiber-Optic Network is “Future-Proof” and proven driver of Economic Development
 - Virtually unlimited bandwidth capacity
 - Useful life of at least 30 years
 - Businesses want fiber, not wireless infrastructure
 - Major economic recruitment targets demanding affordable, redundant fiber-optic connectivity

FTTH Network Driver: Video Demand

- Global IP (Internet protocol) traffic will quintuple from 2008 to 2013.
- In 2013, the Internet will be nearly four times larger than it is in 2009.
- Internet video is now approximately one-third of all consumer Internet traffic, not including video exchanged through P2P file sharing.
- The sum of all forms of video (TV, video on demand, Internet, and P2P) will account for over 91 percent of global consumer traffic by 2013. Internet video alone will account for over 60 percent of all consumer Internet traffic in 2013.
- In 2013, Internet video will be nearly 700 times the U.S. Internet backbone in 2000.

FTTH Network Overview

- Redundant, high-capacity “MM” Network connects Economic Development Parks and some anchor institutions.
- Connects upstream through Ruffin and Danville.
- “MM” Network not as extensive, but is redundant, high-capacity – also serves as “Feeder Network” for FTTH.
- Distribution network is intermediary between MM Feeder Network and fiber drops at each home, business, or institution.
- Fiber drops at each home. Most homes would require “long drops”.

“Triple-Play” Services over FTTH

- Voice over IP (“VoIP”)
 - Unlimited Long Distance
 - Advanced Calling Features/E-Mail Integration
- Symmetrical (two-way) Internet Access
 - Speeds of from 10 Mbps to 100 Mbps, and from 100 Mbps – 1 Gbps for anchors/Business
- Video programming, including HD Television
 - Including Internet Video from anywhere in World.
- Other applications:
 - Home-based Interactive Distance Learning
 - Telemedicine
 - Surveillance

FTTH Business Case Metrics

- 100% of County Business and Homes Passed
 - 8,670 Homes Passed
 - 2,600 Connected (30% Market Take Rate)
- 3 Year Build Schedule
- Public Private Partnership
 - Wholesale Operational Model

- 15% to 30% Revenue Share Opportunity
- Annual Gross Revenue (@ Year 4) = \$5.1m
 - 15%/30% Revenue Share = \$775k/\$1.55m
- Total Capital = \$33-33.5m
 - \$23.6m RUS Grant
 - \$7.9m RUS Loan (15 years @ 4.46%)
 - \$1.5-\$2ml Operating Capital

Subscriber Penetration
Based on 100% Coverage of County Households

	Year 1	Year 2	Year 3	Year 4	Year 5
Residential					
Homes Passed	2,890	5,780	8,670	8,670	8,670
Homes Connected	867	1,734	2,601	2,601	2,601
Percent Connected	30.0%	30.0%	30.0%	30.0%	30.0%
Business					
Passed	460	919	1,379	1,379	1,379
Connected	138	276	414	414	414
Percent Connected	30.0%	30.0%	30.0%	30.0%	30.0%
Carrier					
Passed	8	17	25	25	25
Connected	5	10	15	15	15
Percent Connected	60.0%	60.0%	60.0%	60.0%	60.0%

Wireless Business Case: *Option 1*

- Goal: Provide last-mile connectivity to all unserved and underserved residents and businesses
- Requires 21 new towers to cover unserved and underserved areas
- Uses 900 MHz unlicensed technology to penetrate the trees
- Network CAPEX = \$5.0m to \$5.2m
- Six year investment horizon
- 1040 residential customers (12%)
- 40 business customers (15%)
- \$35 per month residential pricing
- \$120 per month business pricing

	Consolidated					
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
EBITDA	(\$26,650)	(\$141,902)	(\$101,513)	\$ 15,330	\$125,551	\$259,071
Annual Cash Flows	(\$26,650)	(\$141,902)	(\$101,513)	\$ 15,330	\$125,551	\$259,071
Cumulative Cash Flows	(\$26,650)	(\$168,552)	(\$270,065)	(\$254,735)	(\$129,184)	\$129,887
NPV @ 4%	\$73,980					
IRR	12.5%					

Wireless Business Case: *Option 2*

- Goal: Provide last-mile connectivity to all unserved and underserved residents and businesses and mobile connectivity for public safety
- Requires 11 new towers to cover unserved and underserved areas
- Uses licensed spectrum through a partnership with Cleartalk
- Cleartalk would be the applicant and provide the match
- Network CAPEX = TBD (Cleartalk #)
- Disadvantage: County does not own network, does not control destiny of the infrastructure and potentially no revenue share for the County
- Low priority service area for Cleartalk

Broadband Stimulus Strategy

- Round 2 NOFA released Jan. 15th
- Applications are due March 15th
- Recommend supporting MCNC in their BTOP MM application
- Recommend pursuing a FTTH application through the BIP program
- RUS will provide 75 percent grant and 25 percent federal loan
- Needs are for Debt Service Coverage in early years and Working Capital Line of Credit in Years 1-4 (repayable from forward revenues)

Danville Regional Foundation Involvement

- Provide grant to cover the following business plan requirements
 - Debt service on the loan: \$1.4 million
 - Working capital to support the business case until the network is EBITDA positive: \$1.5-2m

County Involvement

- Provide funds to support MCNC Round 2 application: \$5000
- Provide funds from the rest of the Golden Leaf grant to cover FTTH engineering costs for the RUS BIP application: \$44,000
- Provide funds from County budget to cover the RUS BIP FTTH application development costs: \$10,000
- Involvement with application
 - Legal opinion
 - Completion of certain attachments with Excelsio assistance

PUBLIC HEARING – MANUFACTURED HOME SITING ORDINANCE VARIANCE
REQUEST

Commissioner Satterfield moved, seconded by Commissioner Battle that the Board enter into a public hearing to receive comments on a request from Slade's Mobile Home Park for a variance of the Caswell County Manufactured Home Siting Ordinance relating to screening requirements. The motion carried unanimously with Chairman Ward and Commissioner Jefferies absent.

Mr. Brian Collie, County Planner, reported that a site plan for Mr. Keith Blalock, owner of Slade's Mobile Home Park, was approved on August 25, 2009, and he is now in the process of planting the required screening and buffers as required by the Manufactured Home Siting Ordinance. Mr. Collie stated that this is not a new mobile home park, it was established in 1989 with three mobile home sites, and Mr. Blalock is adding three new sites which requires him to come into compliance with the Manufactured Home Siting Ordinance. Mr. Collie added that after review, it is obvious that Mr. Blalock will have to spend a great deal of money in order to meet the Ordinance's strict screening requirements.

Mr. Collie reported that Mr. Blalock is present to request a variance of the Manufactured Home Siting Ordinance, Section 5.12. Mr. Collie informed the Board that the Planning Board met on November 24, 2009, and after discussion on this request, voted unanimously to grant Mr. Blalock a variance. Mr. Collie added that the Planning Board's recommendation is to allow Mr. Blalock to plant evergreen Loblolly pines (one foot high planting height), two trees staggered every 10 feet apart encompassing the park in the required planting sections.

Mr. Collie informed the Board that after research, he has learned that numerous other Mobile Home Parks that have either been started or have expanded since the adoption of these requirements have not met the screening and buffer rules.

Mr. Keith Blalock came before the Board and provided a site plan of his property on Brintle Road that he bought in 2002. Mr. Blalock noted that the original mobile home park, which consists of 4.4 acres was established in 1989, and in 2009 he decided to add more sites, if it was possible. Mr. Blalock stated that he discussed this with the Building Inspector, Environmental Health Specialist, and then went to see the County Planner and proceeded with the expansion. Mr. Blalock added that he has spent a lot of money there and put in three more homes, three new septic systems, and put new graveled driveways in, trying to do everything in compliance with the Manufactured Home Siting Ordinance that was adopted in 1997.

Mr. Blalock stated that he has done everything that has been required, and now he is ready to plant the screening. Mr. Blalock added that there is 1,100 feet of property line and it will cost approximately \$7,000 to plant the trees, not including labor to plant it.

Mr. Blalock informed the Board that there are 26 mobile home parks in operation in Caswell County and according to Mr. Collie, none of the mobile home parks have met the buffer and screening requirements since the Ordinance was adopted in 1997. Mr. Blalock noted that new parks have come into operation and parks have expanded, but they have not been in compliance with the screening requirements.

Mr. Blalock stated that being a member of the Planning Board, the Planning Board has been very conscious of everything, and because everyone else has been out of compliance does not mean that he should be out of compliance too. Mr. Blalock added that the Planning Board has discussed this issue at length, and without him voting, they agreed to allow him to plant Loblolly pines. Mr. Blalock noted that he has already ordered these pines from the Forestry Service. Mr. Blalock stated that the park has been ready since December 1st, but he needs to obtain a variance from the Board of Commissioners for the screening. Mr. Blalock added that he has spent over \$50,000 and has received no income from the park for the months of December, January, and February. Mr. Blalock stated that he would be willing to do whatever the Board wants him to do, but he personally feels that the screening requirements are rather extensive. Mr. Blalock requested that the Board consider granting a variance to allow him to plant the Loblolly pines.

Commissioner Travis questioned why the screening requirements would specify a particular kind of tree. Mr. Howard, County Manager, noted that the Ordinance specifies deciduous trees or evergreen shrubs.

Upon questioning from Commissioner Battle, Mr. Collie answered that mobile home parks prior to the adoption of the Ordinance in 1997 were grandfathered in, and those that have expanded since do not meet these requirements. Mr. Collie noted that there is not a mobile home park in the County that needs these requirements.

Commissioner Hall stated that it concerns him to hear that there are 26 mobile home parks in the County and none are in compliance. Mr. Collie noted that since he became the County Planner in August, 2007, there have been no mobile home park expansions.

Mr. Melvin Butler stated that the Planning Board has found a problem that has been on-going and there have been incidences where citizens would not appear before the Planning Board concerning an issue with the Subdivision Ordinance, but go directly to the Building Inspections Office and receive a permit, and this may have happened with the Manufactured Home Siting Ordinance. Mr. Butler added that the County Planner has assured the Planning Board that this has been taken care of and will eliminate that problem.

Mr. Collie stated that Mr. Butler is not saying that citizens are going to the Building Inspector and getting additional mobile home sites into their mobile home parks, but is saying that now prior to a building permit being issued, the Building Inspector comes to the Planner and he reviews it to make sure that all Ordinance requirements are being met.

Upon questioning from Commissioner Satterfield as to when the screening requirements were adopted, Mr. Butler answered that they were adopted in 1997. Commissioner Satterfield asked if there are any current Planning Board members that were serving in 1997, and Mr. Butler answered that two members were serving in 1997. Commissioner Satterfield stated that evidently, the screening requirements are too stringent, and noted that these requirements were recommended to the Board of Commissioners in 1997.

Upon questioning from Commissioner Battle as to why the Loblolly trees have already been ordered, Mr. Blalock answered that he ordered them because they can only be ordered in December.

Commissioner Hall stated that he would think that when the Board adopts Ordinances there is some degree of thought and research put into the process, but he is hearing from the Planning Board that the only reasons they are recommending a variance is because it is costly and stringent. Commissioner Hall added that he would think that the Planning Board would come before them with a recommendation that has a little more substance than that it is costly and stringent and, therefore, does not need to enforce it.

Commissioner Carter moved, seconded by Commissioner Battle that the public hearing be closed. The motion carried unanimously with Chairman Ward and Commissioner Jefferies absent.

Commissioner Carter moved, seconded by Commissioner Satterfield to accept the Planning Board's recommendation and grant a variance of the Manufactured Home Siting Ordinance to Mr. Keith Blalock relating to screening requirements for Slade's Mobile Home Park.

Commissioner Hall stated that to disregard a County Ordinance because it is too stringent or costly is irresponsible of this Board and the Board needs to take its Ordinances a little more seriously.

(At 7:50 p.m. Chairman Ward entered the meeting).

Commissioner Travis stated that he does not totally agree with the screening requirement because there is a security issue if something is completely screened and neighbors cannot see, which can result in break-ins.

Commissioner Hall stated that he finds it hard to believe that there have been no expansions or changes in mobile home parks in the County in three years. Commissioner Hall added that he agrees with Commissioner Travis in that the security issue needs to be reviewed.

Commissioner Satterfield stated that at the very least, the Planning Board needs to go back and review some of the County's Ordinances and its requirements and make revisions.

Upon a vote of the motion, the motion carried by a vote of four to two with Commissioners Battle and Hall voting no, and Commissioner Jefferies absent.

PUBLIC HEARING – HYCO LAKE ZONING ORDINANCE

Commissioner Carter moved, seconded by Commissioner Battle that the Board enter into a public hearing to receive comments on consideration of the repeal of the Hyco Lake Zoning Ordinance. The motion carried unanimously.

Mr. Brian Collie, County Planner, stated that a recent issue concerning the development of multi-family dwellings on Hyco Lake has created a need for further review of the Ordinance. Mr. Collie added that the Board of Commissioners at its meeting on November 16, 2009, voted to continue to operate under the current Hyco Lake Zoning Ordinance as written until changes were made by the Board. Mr. Collie informed the Board that the Planning Board met on November 24, 2009, and after review, voted to repeal the Hyco Lake Zoning Ordinance. Mr. Collie noted that upon repeal, all land that was included in this zone will be governed by the Caswell County Subdivision Ordinance. Mr. Collie informed the Board that he is in the process of submitting information to the North Carolina Department of Commerce, Division of Community Assistance, for them to develop an impact study for the use of multi-family dwellings on Hyco Lake.

Mr. Mike Ferrell, County Attorney, reported that he did not think that the Board of Commissioners should repeal the Hyco Lake Zoning Ordinance at this time, and noted that the Board is currently in the process of examining all of the County's land use regulations. Mr. Ferrell informed the Board that the Hyco Lake Zoning Ordinance is more extensive than and has requirements that are not in the Subdivision Ordinance. Mr. Ferrell stated that the Hyco Lake Zoning Ordinance is a true zoning Ordinance in that it addresses uses and not just subdivision of the land, permitted, and non-permitted uses. Mr. Ferrell added that he felt for the time being the Board would be better served to leave the Hyco Lake Zoning Ordinance in place while it is examining the County's Land Use Ordinances.

After further discussion, Chairman Ward moved, seconded by Vice-Chairman Travis that the public hearing be closed. The motion carried unanimously with Commissioner Jefferies absent.

OUTDOOR STORAGE ORDINANCE

Mr. Brian Collie, County Planner, came before the Board and reported that on August 24, 2009, the Board of Commissioners granted Mr. William Wilson a six-month extension of the Outdoor Storage Ordinance violations that were currently being held upon him, which would have been February 24, 2010. Mr. Collie noted that since that time Mr. Wilson has been progressively cleaning up his lot, but is not yet in compliance with the Outdoor Storage regulations. Mr. Collie stated that Mr. Wilson has encountered a health problem while trying to remove debris from the lot and was ordered by his doctor not to do any more lifting until he is better. Mr. Collie added that Mr. Wilson came to his office on January 15, 2010, and informed him that he would be having surgery on January 20, 2010. Mr. Collie noted that Mr. Wilson did have surgery on January 20, 2010, and was given three months in which to recover and not lift anything. Mr. Collie reported that he met with Mr. Wilson at his home today and Mr. Wilson wanted Mr. Collie to request of the Board any options they could give him. Mr. Collie provided pictures of Mr. Wilson's property before he started cleaning and how it looks now.

Mr. Collie stated that due to Mr. Wilson's health and especially with the amount of rain in the last three months, he did not feel that he would have completed cleaning up his property in six months. Mr. Collie recommended that the Board grant Mr. Wilson an extension in order to finish cleaning his property.

Upon questioning from Commissioner Satterfield as to whether Mr. Wilson has made a substantial effort in trying to clean up his property, Mr. Collie confirmed that Mr. Wilson has worked very hard in his efforts to clean up his property.

Upon questioning from Commissioner Hall, Mr. Collie answered that at Mr. Wilson's age of 77 years, his physical health, and the fact that he is cleaning up the property by himself, he would recommend that another six-month extension be granted to Mr. Wilson. Commissioner Hall questioned whether Mr. Wilson at his age and working alone could complete the clean-up.

Commissioner Travis questioned how many cars were on Mr. Wilson's property and informed Mr. Collie that there are individuals that will come and pick up the junked vehicles off of his property. Mr. Collie answered that there are approximately 20 junked vehicles on Mr. Wilson's property.

Commissioner Hall stated that the County has Ordinances that need to be enforced and County staff should be enforcing them, and if there is a hardship, then the Board can address the hardship. Commissioner Hall added that the property owner has a responsibility to comply with the County's Ordinances and should be fined if not in compliance.

(At 8:10 p.m. Commissioner Jefferies entered the meeting).

After further discussion, Commissioner Carter moved, seconded by Chairman Ward to accept the County Planner's recommendation and grant Mr. William Wilson a six-month extension to complete the clean-up of his property and come into compliance with the Caswell County Outdoor Storage Ordinance. The motion failed by a vote of five to two with Commissioners Travis, Battle, Hall, Jefferies, and Satterfield voting no.

Commissioner Satterfield moved, seconded by Commissioner Travis to grant a 90-day extension to Mr. William Wilson to come into compliance with the Caswell County Outdoor Storage Ordinance due to the inclement weather in the last few months that has hindered the clean-up process. The motion carried by a vote of six to one with Commissioner Hall voting no.

Upon questioning from Commissioner Hall, it was clarified that the 90-day extension would start after February 24, 2010.

Mr. Brian Collie, County Planner, reported that on August 24, 2009, Mr. David Shelton came before the Board seeking relief from his Outdoor Storage Ordinance violation fees. Mr. Collie stated that Mr. Shelton was almost in compliance, but he had two unlicensed vehicles still on his property. Mr. Collie added that it was his understanding that the Board waived Mr. Shelton's fines, but requested that he either remove the last two vehicles from his property or have them properly licensed and tagged. Mr. Collie stated that since the meeting he has talked with Mr. Shelton and left telephone messages about the two unlicensed vehicles, but to date he has done nothing about the unlicensed vehicles and there are now three unlicensed vehicles on the property.

Upon questioning from Commissioner Satterfield, Mr. Collie answered that property owners can have up to two unlicensed and untagged vehicles on their property if they are screened from view. Mr. Collie noted that Mr. Shelton's vehicles are parked next to the road in full view.

Commissioner Battle referred to a section in the Outdoor Storage Ordinance, and read, "Properties whose primary use is residential may store up to two unlicensed, unregistered, and/or inoperable vehicles or store up to 500 square feet of outdoor storage, whichever is the lesser, and be exempt from the terms and conditions of this Ordinance provided the materials being stored are screened from view or placed under a shelter". Commissioner Battle noted that Mr. Wilson is still in violation of the Ordinance.

After discussion, Commissioner Carter moved to grant a 90-day extension to Mr. David Shelton to come into compliance with the Caswell County Outdoor Storage Ordinance. The motion died for lack of a second.

DEPARTMENT OF SOCIAL SERVICES

Ms. Dianne Moorefield, Department of Social Services Director, came before the Board to request the release of a number of positions in her agency from the hiring freeze. Ms. Moorefield informed the Board that the positions include an Income Maintenance Caseworker position within the Medicaid Unit that is responsible for long term care cases, three Child Protective Services Social Worker positions, an In-Home Aide position within the Adult Services Unit, and a Child Support Enforcement position.

Ms. Moorefield reported that the Child Support Enforcement position will become vacant with the retirement of one of their current employees at the end of May, the current In-Home Aide is retiring at the end of January, leaving that position vacant effective February 1, 2010, and the Medicaid and two of the three Child Protective Services positions are currently vacant and the third will be vacant at the end of January. Ms. Moorefield noted that these critical positions need to be filled as soon as possible and the funding for these positions is in her budget.

After discussion, Commissioner Jefferies moved, seconded by Chairman Ward to approve the release of an Income Maintenance Caseworker position, three Child Protective Services Social Worker positions, an In-Home Aide position, and a Child Support Enforcement position in the Department of Social Services from the hiring freeze. The motion carried unanimously.

TAX DIRECTOR'S QUARTERLY FORECLOSURE REPORT

Mr. Thomas Bernard, Tax Director, came before the Board and presented the following Quarterly Foreclosure Report for the months of October, November, and December, 2009.

Foreclosure Process – All Files

2 accounts turned over to Attorney

0 parcels sold
35 accounts paid in full
17 accounts entered into payment plan
8 accounts came out of debt-setoff (these accounts were paid in full)
319 files moving forward

EMERGENCY SERVICES

Mr. Jim Gusler, Emergency Services Director, came before the Board and requested the release of a Shift Operations Supervisor position in Emergency Medical Services from the hiring freeze. Mr. Gusler noted that the position is currently budgeted in the 2009-2010 EMS Budget.

After discussion, Commissioner Jefferies moved, seconded by Commissioner Carter to approve the release of a Shift Operations Supervisor position in Emergency Medical Services from the hiring freeze. The motion carried unanimously.

Mr. Gusler reported that he was requested by the Board at its January 11, 2001 meeting to bring back funding options for the two ambulance units he is asking for approval to be replaced. Mr. Gusler provided the following loan data information for the purchase of ambulances and noted that the amount of the loan should actually be \$225,000, rather than \$200,000.

New Ambulance

3 year lease with first payment in July, 2010

Basic Loan Information

Amount	\$200,000.00
Beginning of Loan	7/15/2010
Annual Interest Rate	4.00%
Length of Loan, Years	3
Payments Per Year	1

Payment Information

Total Payments	3
Calculated Payment	\$ 72,069.71
Entered Payment	\$ 0.00

Summary Information

Total Paid	\$226,209.12
Interest Paid	\$ 16,209.12

Mr. Gusler informed the Board that this is a 2009 chassis and is replacing the 1996 unit and would probably be a Dodge 4500 chassis with a Cummings diesel 6.7 liter engine. Mr. Gusler noted that a 2010 emissions change chassis would cost an additional \$6,000 to \$10,000.

Upon questioning from Commissioner Satterfield, Mr. Gusler answered that he has talked to one vendor and he is the only one he is aware of that has 2009 chassis on the ground.

Commissioner Satterfield questioned the use of the large sized EMS boxes and why a smaller box is not used. Mr. Gusler answered that the EMS boxes are actually medium sized and the room in the back of the truck is minimal to perform the jobs that they do and they are engaged in critical type patient care at any given point during a longer transport. Mr. Gusler noted that the smaller boxes are used for convalescent transfer services and they do not engage in aggressive and critical type patient care. Mr. Gusler added that there are very few services, if any, that use a smaller box for emergency transports.

After further discussion, Commissioner Satterfield moved, seconded by Chairman Ward to authorize the County Manager to investigate the purchase of an ambulance, including financing options, with payments beginning July 1, 2010, to be brought back before the Board at the next meeting.

Mr. Gusler noted that EMS has generated extra revenues in the amount of \$116,000 as of January 31, 2010, that could potentially be used to offset the cost of ambulance replacements, and noted that EMS has generated \$300,000 in extra revenues in the last three years.

Commissioner Hall stated that this is not the way fund accounting should be done because if the Board decides that it needs a new ambulance, there should be a Capital Improvements Plan because other County departments will need improvements and replacements. Commissioner Hall added that the Board should plan for Capital Improvement projects, investigate the best way to buy it, and then purchase it. Commissioner Hall suggested that the Board go through the budget process, make sure it has the funding in place, and look at suitable financing for the funds that are not in place.

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Hall voting no.

Vice-Chairman Travis requested that the EMS Director make some calls tomorrow and find out the price of a chassis with no box on it and give this information to the County Manager in order for him to call each Commissioner with this information.

CASWELL COUNTY HEALTH DEPARTMENT

Dr. Fred Moore, Health Director, came before the Board and requested the release of positions in the Health Department. Dr. Moore stated that several years ago the Board granted him the authority to hire a pool of part-time, hourly professional staff to assist the Health Department clinic with its varying client caseload. Dr. Moore added that the Board allowed him to hire part-time employees for this pool that would equal the cost of four full-time employees and he is requesting that he be allowed to continue with this practice. Dr. Moore requested that the Board approve the release of a pool of part-time, hourly professional staff to assist the Health Department.

After discussion, Commissioner Satterfield moved, seconded by Commissioner Jefferies to approve the release of a pool of part-time, hourly professional staff that would equal the cost of

four full-time employees in the Caswell County Health Department. The motion carried by a vote of six to one with Commissioner Battle voting no.

RECESS

The Board held a brief recess.

ANIMAL CONTROL ORDINANCE

Mr. Michael Ferrell, County Attorney, presented and discussed proposed changes to the Animal Control Ordinance. Mr. Ferrell informed the Board that he has attempted to bring forth adopted amendments to the Animal Control Ordinance and incorporate them into one document. Mr. Ferrell noted that a lot of the proposed changes have been recommended by Ken and Karen Schneider, the County's Animal Cruelty Investigators and he has also proposed changes to the Ordinance, but he did not make any policy changes. Mr. Ferrell added that Mr. and Mrs. Schneider had strongly recommended that the County Animal Control Ordinance not allow the practice of tethering dogs, but he had not included it in his proposed changes at this time.

Commissioner Satterfield moved, seconded by Commissioner Battle to accept the recommended changes to the County's Animal Control Ordinance, as presented.

Mr. Michael Ferrell, County Attorney, informed the Board that if an Ordinance is approved unanimously at the first meeting at which it is introduced, then a public hearing is not required. Mr. Ferrell stated that the North Carolina General Statutes give Animal Cruelty Investigators the authority to investigate and make recommendations to the appropriate authority to take action.

Commissioner Satterfield stated that he would like to see the County sometime in the future consider some type of tethering law.

Commissioner Hall stated that he would like to have the County's Animal Control Officer's input and would also like to know how the exotic animal compound in the County interacts with the County's Ordinance. Commissioner Hall added that he felt it would be beneficial to have a public hearing on the proposed changes to the Animal Control Ordinance.

Upon a vote of the motion, the motion carried by a vote of five to two with Commissioners Hall and Travis voting no.

The Board agreed to schedule a public hearing on proposed changes to the Animal Control Ordinance on March 1, 2010.

WATER AND SEWER RATES AND POLICY

Mr. Kevin Howard, County Manager, presented and reviewed a proposed Water Policy and water and sewer rates.

Mr. Howard presented the following proposed Rate Schedule:

Rate Schedule

Water service to municipalities and residences in rural areas shall be billed at the following rate schedule for water usage during each month:

RESIDENTIAL/COMMERCIAL

0 – 2000 gallons	\$15.00
Over 2000 gallons	\$ 3.10 per 1000 gallons

MONTHLY RATE: Customer service charges are made on the basis of meter size and are levied as minimums, whether or not there is any consumption.

<u>Customer Charge by Water Meter Size</u>	<u>Water</u>	<u>Wastewater</u>	<u>Water & Wastewater</u>
5/8"	\$ 8.85	\$ 13.16	\$ 22.01
1"	22.13	32.89	55.02
1 ½"	44.25	65.79	110.04
2"	70.80	105.26	176.06
3"	141.60	210.51	352.11
4"	221.25	328.93	550.18
6"	442.50	657.85	1,100.35
8"	708.00	1,052.57	1,760.57
Consumption Charge Per 1000 gallons of Metered Water	\$ 3.10	\$ 5.00	\$ 8.10

After considerable discussion, the Board agreed to schedule a public hearing on this issue on March 1, 2010.

COUNTY ATTORNEY'S REPORT

Mr. Michael Ferrell, County Attorney, updated the Board on the status of Hayes Iron and Metal, which is owned by Mr. Douglas J. Alderson, II, and Mr. Vincent Marchisotto. Mr. Ferrell informed the Board that the lawsuits on both of these cases have been filed and they both have, in turn, filed an answer. Mr. Ferrell added that the Court has ordered mediation for Hayes Iron and Metal. Mr. Ferrell stated that on January 27, 2010, he filed interrogatories on both cases and they have 30 days to respond to the interrogatories. Mr. Ferrell added that depending on the answers, he may file a motion for summary judgment. Mr. Ferrell noted that Mr. Marchisotto is not in compliance and his fines are accruing.

Mr. Ferrell informed the Board that Hayes Iron and Metal is in compliance, but the issue is about the fines.

BUDGET AMENDMENT NO. 10

Mr. Kevin Howard, County Manager, reviewed and discussed Budget Amendment No. 10 for Fiscal Year 2009-2010. After discussion, Chairman Ward moved, seconded by Commissioner Carter to approve Budget Amendment No. 10 as presented. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, informed the Board that it approved placing the issue of allowing county-wide sale of Liquor by the Drink as a referendum for the May primary date, and it is now the appropriate time to submit this request to the Board of Elections. After discussion, Commissioner Travis moved, seconded by Commissioner Battle to authorize the County Manager to submit to the Board of Elections a request by the Board of Commissioners to place the issue of allowing county-wide sale of Liquor by the Drink as a referendum for the May primary date. The motion carried by a vote of six to one with Commissioner Jefferies voting no.

Mr. Howard updated the Board on the Senior Center heating/air-conditioning issues and noted that the engineers who designed the system will be meeting on site this week with the HVAC contractor.

Mr. Howard presented a Resolution for the Board's consideration in support of the North Carolina Department of Transportation paving and proposed revisions to the County Square. After discussion, Chairman Ward moved, seconded by Commissioner Travis to adopt the following *Resolution for the Request of Services and Funds from North Carolina Department of Transportation*.

County of Caswell Resolution for the Request of Services and Funds From North Carolina Department of Transportation

Whereas, the Board of Commissioners is the duly recognized decision making body for Caswell County; and

Whereas, Yanceyville is the county seat and the development of the downtown square is an integral part of the history and future of Yanceyville and Caswell County; and

Whereas, the road surface is dated and in need of repair; and

Whereas, pedestrian and traffic safety is a concern due to deteriorating sidewalks and the flow of traffic; and

Whereas, downtown Yanceyville will benefit greatly from a street resurfacing and updated sidewalks; and

Whereas, the Board of Commissioners feels this project would benefit the community and wished to show their support.

Now, Therefore, Be it Resolved that the Board of Commissioners of Caswell County requests that the North Carolina Department of Transportation develop a construction project to resurface and update the downtown square in Yanceyville, NC.

Adopted this 9th day of February, 2010.

S/George W. Ward, Jr.
George W. Ward, Jr., Chair

Attest:

S/Wanda P. Smith
Wanda P. Smith, Clerk to the Board

Commissioner Hall questioned the changes that were proposed to be made and whether they would be handicapped accessible, and added that the Board needs to start planning to take action to have the utility lines on the Square taken down.

Commissioner Battle questioned whether diagonal parking in front of the Courthouse would create congestion. Mr. Howard answered that there would not be parking along the Square if there was diagonal parking in front of the Courthouse.

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Battle voting no.

Mr. Howard requested that the Board approve the release of the Maintenance Supervisor position from the hiring freeze. Chairman Ward moved, seconded by Commissioner Jefferies to approve the release of the County Maintenance Supervisor position from the hiring freeze. The motion carried unanimously.

Mr. Howard presented a Professional Services Contract from Abrakadoodle in the amount of \$180 for an art project for twenty preschoolers on Wednesday, February 24, 2010 at Gunn Memorial Public Library. Commissioner Carter moved, seconded by Chairman Ward to approve a Professional Services Contract from Abrakadoodle in the amount of \$180 for an art project for twenty preschoolers at Gunn Memorial Public Library. Commissioner Battle questioned whether this program was open to all preschoolers in the County and requested that the County Manager find out how this program was advertised. Upon a vote of the motion, the motion carried unanimously.

Mr. Howard presented for the Board's consideration a Resolution declaring February 8, 2010, as "*Boy Scouts of America Day*". Chairman Ward moved, seconded by Commissioner Jefferies to

adopt the following Resolution declaring February 8, 2010, as “*Boy Scouts of America Day*”. The motion carried unanimously.

RESOLUTION

WHEREAS, the Boy Scouts of America celebrates the 100th Anniversary of its formation on February 8, 2010; and

WHEREAS, throughout its history, the Boy Scouts of America has provided training to youth in leadership development, service to others, and civic responsibility; and

WHEREAS, numerous youth in our county have participated in the Scouting program through the years, becoming accomplished leaders both past and present; and

WHEREAS, Boy Scouts have performed a variety of valuable service projects throughout our county and its communities; and

WHEREAS, a National study has shown that youth who participate in Boy Scouts five or more years have:

- improved performance in reading, science, math, and physical fitness;
- higher percentage of attendance to colleges and universities;
- obtained higher paying jobs;
- better ethical decision making; and
- higher attendance at religious services with their family;

WHEREAS, the National study has also shown that adults who were in Boy Scouts as a youth have:

- stated that Scouting had a positive influence on their lives as a youth and adult;
- learned positive character traits such as being a good team player, always being honest, taking better care of the environment, respecting life and property of others, having pride in their country, respecting the elderly, and having confidence in their abilities.

NOW, THEREFORE, BE IT RESOLVED that February 8, 2010 is hereby declared “*Boy Scouts of America Day*”.

ADOPTED this the 9th day of February, 2010.

S/George W. Ward, Jr.
George W. Ward, Jr., Chairman
Caswell County Board of Commissioners

ATTEST:

S/Wanda P. Smith

Wanda P. Smith

Clerk to the Board

Mr. Howard reported that the County has received five *Requests for Proposals* from architects for design of a Detention Facility and he and the Sheriff are in the process of reviewing them, and that the County Attorney will also be reviewing them. Mr. Howard questioned whether the Board would like for the five firms to be ranked and for him to set up interviews with them for the top three or have him present a recommendation. It was Board consensus for the County Manager to set up interviews with the top three ranked architectural firms with the full Board.

Chairman Ward stated that before an architect is hired, the Board needs to make sure that it is serious about building a Jail.

Mr. Michael Ferrell, County Manager stated that the following decisions need to be made by the Board:

- 1) Does the Board want to build a Jail?
- 2) Will the Jail be a free-standing structure or will the existing structure be utilized?
- 3) If the Jail is to be a free-standing structure, where will it be located?
- 4) How large will the Jail be? How many cells for males? How many cells for females?
- 5) What kind of administrative space will there be?

Mr. Ferrell stated that the Board will have to provide answers for all of these questions before the architectural firm can do their work.

ANNOUNCEMENTS

Mr. Jim Gusler, Emergency Services Director, came before the Board and stated that he would like to take the opportunity and thank all of the County department heads that assisted him during the recent inclement weather events. Mr. Gusler added that for the first time since 2002 a state of emergency was declared due to the weather.

Commissioner Battle stated that the former O. B. Watlington's Store building is currently in the process of being torn down, but there is not activity there every day. Commissioner Battle added that he felt that this is a potential safety issue, as well as a cosmetic issue and requested that the County Manager investigate what is going on with the demolition of that store.

Commissioner Battle stated that due to the recent incident of an individual at the County gym with a handgun in his possession, he felt that the Board should look into placing a metal detector there during open gym as a deterrent to further incidents and for security purposes. The County Manager stated that he would get a cost estimate for a metal detector.

Commissioner Battle referred to the memo written by the County Planner to Mr. Keith Blalock in reference to Slade Mobile Home Park. Commissioner Battle stated that Mr. Collie should not have included the wording “strict” when referring to the Manufactured Home Siting Ordinance screening requirements, because this was just his personal opinion.

Commissioner Battle questioned the history of Farmer Lake and its allocation of water to the Town of Yanceyville. Commissioner Satterfield stated that the Town of Yanceyville paid for a portion of the construction cost of Farmer Lake. Commissioner Hall clarified that the County entered into a contract with the Town of Yanceyville to allow them to draw water from Farmer Lake in perpetuity at no cost. Commissioner Hall added that the only restriction was that the Town of Yanceyville could not sell the water outside of the Town.

Commissioner Satterfield stated that he hoped during the next budget session that the Board would consider purchasing computer laptops for each Commissioner who would use it and have all agenda information scanned into them, to be brought to the Board meetings, and that this would reduce the cost of making copies for the agenda.

Chairman Ward read a thank-you note from the family of Mr. Andy Dodson for the flowers sent by the Board of Commissioners, Clerk, and County Manager. Chairman Ward asked that the Board continue to remember the family of Andy Dodson in their prayers.

Commissioner Carter reported that the roof on the O. B. Watlington Store was leaking and about to fall in so the owner took the roof down and left the walls standing. Commissioner Carter added that his personal opinion is that the reason they left the walls standing was that if the store is torn down completely, they can not rebuild it on NCDOT right-of-way, but as long as the walls are still standing, they can add on to the store and then tear down the existing part.

Commissioner Carter questioned whether the Board of Commissioners is planning a Memorial Service for Mr. Andy Dodson. Chairman Ward questioned whether this could possibly be handled by the Memorial Service Committee that was previously established. Upon questioning from Chairman Ward, Mr. Howard answered that the Memorial Service Committee consisted of Commissioner Hall as Chairman, Ms. Wanda Smith, Clerk to the Board, and Ms. Donna Pointer, Senior Services Director. Commissioner Hall noted that this was an ad-hoc committee and was not an established committee, and the Board would need to appoint a new committee. Upon questioning from Chairman Ward as to whether he would serve on the new committee since he was familiar with the planning process, Commissioner Hall answered that he would support the appointment of a committee for this event, but would not agree to serve on it. Chairman Ward appointed Commissioner Carter, the County Manager, and Clerk to the Board to the Memorial Service Committee for Mr. Andy Dodson and requested that they bring information back to the Board.

Commissioner Travis noted that the O. B. Watlington Store is the same issue as he has been referring to with the abandoned old barns and houses that need to be torn down throughout the County. Mr. Howard noted that the County does not have a minimum housing code and does not have the authority to require the owner to tear it completely down.

THE ADJOURNMENT

At 10:30 p.m. Chairman Ward moved, seconded by Commissioner Jefferies to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
